

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

DOUGLAS HANDSHOE

PLAINTIFF

VS.

CIVIL ACTION NO. 1:15cv382HSO-JCG

VAUGHN PERRET, CHARLES LEARY &
DANIEL ABEL, D/B/A TROUT
POINT LODGE LTD OF NOVA SCOTIA
& IN THEIR INDIVIDUAL CAPACITIES,
PROGRESS MEDIA GROUP LIMITED,
MARILYN SMULDERS, & ASHOKA

DEFENDANTS

**DEFENDANTS PERRET & LEARY'S UNOPPOSED MOTION
FOR LEAVE TO FILE REBUTTAL OUT OF TIME**

COME NOW Defendants **Vaughn Perret** and **Charles Leary**, by and through their counsel, Purvis & Co. PLLC, and file this, their Unopposed Motion for Leave to File a Rebuttal Out of Time to the Plaintiff's Response [#111] to their Motion to Dismiss [#96]:

1. On February 15, 2017, Defendants, Vaughn Perret and Charles Leary, filed their Motion to Dismiss Third Amended Complaint "with the Clerk of the Court via the CM/ECF electronic document filing system...." See Defendants' Motion to Dismiss [#96]. Thereafter, on March 6, 2017, Plaintiff filed his Response to the Motion to Dismiss [#111], and Leary & Perret asserted that this response was filed out of time and filed a Motion to Strike said Response [#118] on March 14, 2017. On March 29, 2017, the Court entered its "text only" Order denying the Motion to Strike. Based on the Court's ruling in its "text only" Order, the Defendants request an opportunity to file a rebuttal to the Plaintiff's Response.
2. Defendants would show that there is no prejudice to the Plaintiff in allowing them to file a rebuttal because nothing else has procedurally occurred in the case other than the filing of

responsive pleadings by the Defendants who have made an appearance, while we await Plaintiff to complete service of process on the remaining Defendants, which he is required to do by April 27, 2017. See the Court's Order filed January 20, 2017, to #89.

WHEREFORE, Defendants Perret and Leary pray that the Court will grant them leave to file a rebuttal out of time, and that said rebuttal shall be filed on or before April 11, 2017.

RESPECTFULLY SUBMITTED, this the 4th day of April, 2017.

VAUGHN PERRET, DEFENDANT
and
CHARLES LEARY, DEFENDANT

BY: PURVIS & CO. PLLC

BY: /s/ Jason B. Purvis
Jason B. Purvis, MSB # 100873

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that, on **April 4, 2017**, I caused a true and correct copy of the above and foregoing to be filed utilizing the Court's CM/ECF electronic document filing system, which caused notice of such filing to be delivered to all counsel of record and parties requesting notice, and by United States First Class Mail, postage prepaid, to the following non-ECF participants having appeared in this action:

[none]

/s/ Jason B. Purvis